



A DOCPHOENIX

Office Action Summary

Application No.

918274

Applicant(s)

Namerikawa

et al

Examiner

M. Budd

Group Art Unit

2834

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 5-30-02

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above claim(s) 21-26 is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4(7-30-01) ☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

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Claims 5 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is vague and indefinite, it is unclear what is defined by either of surface --- layer". It is unclear how this reads on any structure. Claims 18-20 appear to be directed to the embodiment of applicants fig. 9. However, the claim language is either misdescriptive or inaccurate in that the piezoelectric stacks are not bonded directly to each other, but are actually bonded to plate #21.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culp (484), Swada Culp (816), in view of Jomura.

Culp teaches the trapezoidal stack of piezoelectric elements but doesn't explicitly teach electrode lead architecture necessary to provide electrical input to drive the device. However Jomura teaches that providing leads on the side surface of the stack is a typically used, convenient alternative to the hard-wire connections schematically shown by Culp and Sawada. Thus, for the cost savings and ease of manufacture it would have been obvious to one of ordinary

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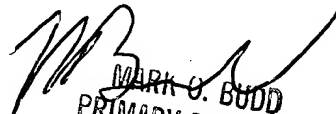
skill in the art to use solid state deposited electrode leads in Culp or Sawada. Regarding claims 18-20 note Culp (484), fig. 2, #28.

Further cited of interest are Culp (899) and Culp (621).

Applicants general traversal has been noted, however, applicant has not pointed out any specific error in the holding. Consequently the restriction requirement is hereby repeated and made final.

Budd/ds

07/01/02


MARK G. BUDD
PRIMARY EXAMINER
ART UNIT 212